

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5712

Date: September 13, 2012

Applicant: Heidi and Kevin Clarity

Address of Property: 4008 Beard Avenue South

Contact Person and Phone: Heidi and Kevin Clarity, (612) 920-4053

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 8, 2012

End of 60-Day Decision Period: October 7, 2012

End of 120-Day Decision Period: December 6, 2012 *(Staff sent the extension letter on August 31, 2012)*

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1A Single-Family District

Proposed Use: Open front porch accessory to an existing single-family dwelling

Concurrent Review:

- Variance to reduce the required front yard along Beard Avenue South from approximately 31 feet to 27 feet to allow for an open front porch.
- Variance to reduce the minimum north interior side yard setback from 5 feet to approximately 3 feet to allow for a new open front porch.
- Variance to increase the maximum width of stairs from 6 feet to 7 feet 6 inches located in the required front yard setback.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is approximately 50 feet by 131.5 feet (6,574 square feet) and is an interior lot with an existing single-family dwelling and detached garage. The single-family dwelling was permitted for construction in 1937. The principal entrance of the existing dwelling faces the north interior property line and opens out to a covered stoop. The applicant is proposing to remove the existing covered stoop and construct a new open front porch. The zoning code authorizes an open front porch as a permitted obstruction in the required front and interior side yard setbacks, if (1) the open front porch does not project more than six feet into the required front yard setback, (2) the total depth of the porch does not exceed eight feet and (3) the porch may extend the width of the dwelling, provided it shall not be closer than three feet to the interior side property line. In this case, the proposed porch meets two of the three conditions to be a permitted obstruction in the required front and interior side yard setbacks.

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Due to the location of the principal entrance, the porch will be 12 feet in depth for the portion immediately adjacent to the recessed portion of the house. Because the porch exceeds eight feet in depth at any point, it is not able to be considered to be a permitted obstruction and must adhere to the minimum front and interior side yards. Therefore, the applicant is requesting a variance to reduce the required front yard along Beard Avenue South from approximately 31 feet to 27 feet and a variance to reduce the required north interior side yard setback from 5 feet to 3 feet to allow for an open front porch.

The existing stairs that connect the covered stoop to the walkway are located in the required front yard. The stairs are approximately 7 feet 6 inches in width, which is consistent with the recessed portion of the dwelling. The applicants are proposing to remove the existing covered stoop to provide a new open front porch and allow for the stairs to be the same width, 7 feet 6 inches. The maximum width of stairs located in the required front yard is 6 feet. Therefore, the applicants are requesting a variance to increase the maximum width of stairs located in the required front yard from 6 feet to 7 feet 6 inches.

Staff sent notifications to the neighborhood association, Linden Hills Neighborhood Council, affected property owners and *Finance and Commerce* and the applicant posted the site with placards prior to the public hearing for the Zoning Board of Adjustment. The notifications that were sent out did not include the first variance, to reduce the required front yard along Beard Avenue South from approximately 31 feet to 27 feet to allow for an open front porch. Therefore, staff is requesting that the Zoning Board of Adjustment continue the application one-cycle, to the September 27, 2012, hearing to allow for notification of all the required land use applications.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development – Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Zoning Board of Adjustment adopt the above findings and **continue** the variance to reduce the required front yard along Beard Avenue South from approximately 31 feet to 27 feet to allow for an open front porch for the property located at 4008 Beard Avenue South in the R1A Single-Family District, one-cycle, to the September 27, 2012, Zoning Board of Adjustment public hearing.

Recommendation of the Department of Community Planning and Economic Development – Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Zoning Board of Adjustment adopt the above findings and **continue** the variance to reduce the minimum north interior side yard setback from 5 feet to approximately 3 feet to allow for a new open front porch for the property located at 4008 Beard Avenue South in the R1A Single-Family District, one-cycle, to the September 27, 2012, Zoning Board of Adjustment public hearing.

Recommendation of the Department of Community Planning and Economic Development – Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Zoning Board of Adjustment adopt the above findings and **continue** the variance to increase the maximum width of stairs from 6 feet to 7 feet 6 inches located in the required front yard setback for the

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property located at 4008 Beard Avenue South in the R1A Single-Family District, one-cycle, to the September 27, 2012, Zoning Board of Adjustment public hearing.

Attachments:

1. Zoning map